

Town of Milton
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Milton Town Council Meeting Minutes
Grace Church Fellowship Hall, 512 Union Street
Monday, October 5, 2020
6:30 pm Regular Meeting

1. Call to Order-Mayor Kanakos called the meeting to order.
2. Roll Call
Councilman Cote'
Councilman Garde
Councilwoman Meredith
Councilman Baty
Vice Mayor Kelly
Mayor Kanakos
3. Additions or Corrections to the Agenda
4. Agenda Approval
Councilman Garde made a motion to approve the agenda as written; seconded by Vice Mayor Kelly. Motion carried 6-0.
5. Executive Session:
 - a. Discussion of the content of documents, excluded from the definition of "public record" in § 10002 of this title where such discussion would disclose the contents of such documents
 - b. Strategy sessions, involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation, when an open meeting would have an adverse effect on the bargaining or litigation position of the public body
 - c. Personnel matters in which the names and abilities of an individual employees are discussedCouncilman Garde made a motion to come out of executive session, seconded by Vice Mayor Kelly. Motion carried 6-0.

Councilman Garde made a motion to go into regular session, seconded by Vice Mayor Kelly. Motion carried 6-0.
6. Discussion and possible vote on Executive Session items

Councilman Garde- with respect to the strategy session discussions; made a motion Council implements the Town Charter provisions as discussed in executive session; seconded by Councilman Cote'. Motion carried 6-0.

7. Moment of Silence

8. Pledge of Allegiance to the Flag

9. Public Participation- there were no requests to speak

10. Requests for removal of items from the Consent Agenda

Councilman Garde made a motion to remove the Planning and Zoning meeting minutes from June 30, 2020 and July 21, 2020 and accept the reports from the Board of Adjustments dated August 25, 2020, the reports from the Historic Preservation Commission dated July 14, 2020 and August 24, 2020 and the Planning and Zoning Commission reports dated April 9, 2020, April 21, 2020, May 19, 2020 and June 16, 2020 and approve the balance of the consent agenda; seconded by Councilman Cote. Motion carried.

Regarding the Planning & Zoning minutes of June 30, 2020, Councilman Garde asked Mr. Thompson for clarification on the zoning of the property discussed. Regarding the July 21, 2020 minutes there was no indication the committee had approved the minutes. Councilman Garde made a motion to accept the June 30, 2020 Planning and Zoning minutes; seconded by Councilwoman Meredith. Motion carried.

11. Approval of the Consent Agenda on the following items:

- a. Written Committee Reports
- b. Written Department Reports: Town Managers Report, including the Administrative, Project Coordinator, Police, Code Enforcement, and Public Works Department Reports
- c. Finance Report, and Statement of Revenues and Expenditures for August 2020
- d. Minutes: August 17, 2020 and August 31, 2020
- e. Executive Session Minutes: August 17, 2020, and August 31, 2020

12. Discussion and possible vote on items removed from the Consent Agenda

13. Old Business- Discussion and possible vote on the following items:

- a. Annexation petition from Milton Attainable Housing, LLC for parcels 235-14.00-123.00 (24716 Broadkill Road), 235-14.00-123.01 (24700 Broadkill Road), 235-14.16-1.00, 235-14.16-2.00, 235-14.16-3.00, 235-14.16-4.00. And for the proposed amendment to the Town Comprehensive plan for the same parcels

Mrs. Rogers informed Council the contents of their packets contained the documents requested during the previous meeting. Mr. Preston Schell addressed Council and gave the responses to the questions presented to them. Regarding the dog park, the area would be exclusive to the residents of the community however, there will not be policing of the dog park area unless there is a problem. Explanation was given on who is responsible for the infrastructure within the community. Mr. Schell and Mr. Sugrue are local and have been developing in the area for a long time and have every intention of maintaining the property. In reference to the wells, there are two existing residential wells on the property however a new agricultural well will be installed soon to maintain the landscaping and the residential wells will be abandon. Regarding

the fees, the Town has an annexation committee to review the fees and the applicant will follow Town Code, Chapter 67-4 Annexation Agreement.

Zac Crouch informed Council counts for the traffic impact study were taken on a Saturday, August 3, 2019, Tuesday, October 15, 2019 and Wednesday, October 16, 2019. The studies were done on Route 16, Bay Avenue and the intersection of Route 5 and Route 16.

The entrance on Bay Avenue as well as the entrance on Route 16 will both comply with DelDot standards. Discussion was held on the improvements that would be needed on Bay Avenue.

Vice Mayor Kelly made a motion to close the public hearing on the annexation petition; seconded by Councilman Cote. Motion carried.

Mr. Thompson reviewed the annexation petition process with Council.

Councilman Garde made a motion to approve Ordinance 2020-008 as drafted and amended per the Town Solicitor's recommendations; seconded by Vice Mayor Kelly.

Mayor Kanakos supported the annexation petition due to the recommendation of the Special Review Committee. The projects appropriateness for the area and with the support of the Milton Police Department and the Milton Fire Department.

Councilman Cote' stated he supported the annexation based on the Special Review Committees support of the project and the Planning & Zoning Commission's recommendation of the C1 and R3 zonings. The project meets the purpose of the zoning code and that it promotes orderly growth of the town, the proposed zoning is consistent with other zoning in the area and with the amended comp plan. The zoning will not adversely impact neighboring properties with proper buffering and will not adversely affect the community or public facilities in the area.

Councilman Baty felt a lot of work has gone into reviewing this project and it seems like the right project at the right time.

Vice Mayor Kelly stated he shared the viewpoints of his fellow Council members and also acknowledges the participation of the petitioners, supplying facts and answering questions from the residents.

Councilman Garde supports the viewpoints of fellow Council members and appreciates the participation of the applicants.

Councilwoman Meredith appreciated the applicants identifying the need of this type of housing and she feels the plan was very well done.

Roll call vote. Motion carried 6-0.

- b. Annexation petition from BBD, LLC on behalf of Stephen & Lynn Dexter for the parcel 235-14.15 67.00, and for the proposed amendment to the Town Comprehensive Plan for the same parcel.

Mr. Crouch explained the PLUS application and the response that the project does not meet the requirements of a PLUS review. The Town received copies of the comments from the meeting with DelDot as requested. Discussion was held on the location and types of entrances required by DelDot, there is a concern about adding an entrance on the Mulberry Street Extended side of the property. The entrance point on Cedar Creek Road can be shifted down so that it is not directly across from the driveway of the neighboring property.

The developer has met with Mrs. Parker Selby and is willing to meet with Ms. Ash and neighboring residents to address their concerns. (Most of the comments from the applicant are unintelligible). Discussion was held regarding the traffic impact study.

Councilwoman Meredith stated the Dexter property is currently zoned Medium Residential (MR) by the county and that does not permit a gas station or convenience store. And the Town's comp plan has this area in the future zone use as residential. Mr. Thompson read the County's approved uses within the MR zoning.

Council took a five minute recess so that Mr. Sugrue can speak with Ms. Ash about her concerns.

Councilman Garde made a motion to close the public hearing on the Dexter annexation petition; seconded by Councilman Cote'. Motion carried.

Mr. Thompson reviewed the annexation petition process with Council.

Councilman Garde made a motion to accept Ordinance 2020-009 as presented with the changes recommended by the Town Solicitor especially with respect to the whereas clause near the bottom of page one, the renumbering of sections in accordance with the Counselor's information and the ordinance will be adopted with the following conditions: the Town and the applicant reach a mutual annexation agreement; and that OSPC concurrences required with respect to a change in the comprehensive plan is given; and modification of the new section five; Councilman Cote' seconded the motion.

Councilman Cote' stated his reasons to approve are: the Special Review Committee found that the advantages outweigh the disadvantages, Planning and Zoning recommended the annexation with a C1 zoning; the project meets the purpose of the zoning code; the proposed zoning is consistent with other zoning and uses in the area and consistent with the amended comprehensive plans map and the comprehensive plan's goals with the growth along the Route 16 corridor, the zoning is therefore in keeping with the character of the area, the zoning will not substantially adversely impact the neighboring properties with buffering and will not adversely affect community or public facilities in the area, the project will be served by the Town's water system and the wastewater provider.

Councilwoman Meredith voted against the motion because the comprehensive plan is not that old and it shows the future land use as residential; she has a lot of concerns about traffic and there is already a gas station nearby and she does not think the traffic issues are being addressed by the plan presented.

Councilman Cote' voted yes for the reasons previously mentioned.

Councilman Baty voted yes as he feels it is a good project, traffic issues will have to be worked out.

Councilman Garde voted yes for the reasons stated by Councilman Cote' and with respect to compliance with the current comprehensive plan; it's understood Council is voting on a change to the comprehensive plan to show the area zoned C1 and not residential.

Vice Mayor Kelly voted yes as well based on the Special Review Committee's report, Planning & Zoning Commission's recommendation, and the Office of State Planning's review of the petition and for the reasons shared by fellow councilmembers.

Mayor Kanakos voted yes for the reasons stated by Councilman Cote'.

The motion carries by the super majority necessary 5-1.

c. Resolution 2020-019 to ratify adoption of the fiscal year 2020 fee schedule

Mrs. Rogers explained the fee schedule was adopted with the FY 21 budget, the resolution before Council is to ratify the adoption. Councilman Garde made a motion to approve resolution 2020-019 as indicated in the packet; seconded by Vice Mayor Kelly. Roll call vote. Motion carried 6-0.

- d. Ordinance 2020-003 on proposed Zoning Code amendment regarding Chapter 220 of the Town Code, entitled “Zoning,” regarding the Limited Light Industrial Use (LLI) District

Mr. Thompson stated the ordinance was before Mayor and Council in July, questions regarding the changes were sent back to Planning & Zoning for their response. Councilman Garde thanked Mr. Quass and the Planning & Zoning Commission for their work on the ordinance and feels the noise ordinance will need to be revised to conform to the proposed changes. Councilman Garde made a motion to approve Ordinance 2020-003 with one grammatical correction noted; seconded by Vice Mayor Kelly. Motion carried 6-0.

- e. Ordinance 2020-005 to amend Chapter 188 of the Town Code entitled “Subdivision of Land”, including retitling said chapter as “Subdivision and Land Development”

Mr. Thompson stated the ordinance has been before Council a number of times; he has implemented their comments and changes into the document. Discussion was held on the effective date of the ordinance, engineering practices and the bond requirements. Councilman Garde made a motion to accept Ordinance 2020-005 as submitted with the changes discussed including an effective date of January 1, 2021; seconded by Councilman Cote. Roll call vote. Motion carried. 6-0.

14. New Business – Discussion and possible vote on the following items:

- a. Request from J. Dean Abbott for a sidewalk waiver related to 306 Coulter Street

Mr. Quass presented the request to Council for review. The property is currently an unimproved lot on Coulter Street which does not have sidewalks. Councilman Garde made a motion to approve the waiver of sidewalks at 306 Coulter Street, the waiver will remain in place until such time Council deems construction of sidewalks on Coulter Street are appropriate; seconded by Councilwoman Meredith. Roll call vote. Motion carried 6-0.

- b. Appointment members to the Board of Elections 2020-2021

Mayor Kanakos read into record the recommended members for the Board of Elections and the Election Officers. Councilman Garde made a motion to approve the members as submitted; seconded by Vice Mayor Kelly. Motion carried 6-0.

- c. Request from Tidewater Environmental Services, Inc. for easement and right away dedication

Representatives of George, Miles and Buhr LLC reviewed the request with Council. Sharon Cruz of Pennoni Associates further explained the right of way requirements. Councilman Garde made a motion to approve the request from Tidewater Environmental Services, Inc. for the easement and right of way dedication as indicated in the GMB transmittal of September 23rd; seconded by Vice Mayor Kelly. Roll Call vote. Motion carried 6-0.

15. Executive Session:

Councilman Garde made a motion to go back into executive session; seconded by Vice Mayor Kelly. Motion carried 6-0.

16. Adjournment:

Councilman Cote made a motion to adjourn; seconded by Vice Mayor Kelly. Motion carried 6-0.

